

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CIVIL ACTION

ADRIAN BOMBIN, on behalf of himself and
all others similarly situated,

Plaintiff,

vs.

No: 20-CV-01883

ORAL ARGUMENT REQUESTED

SOUTHWEST AIRLINES CO.,

Defendant.

**MOTION OF SOUTHWEST AIRLINES CO.
TO DISMISS OR, IN THE ALTERNATIVE, TO TRANSFER**

Pursuant to Rule 12(b)(6), Fed. R. Civ. P., defendant Southwest Airlines Co. respectfully moves to dismiss the Complaint and action for failure to state a claim for which relief may be granted for the reasons set forth in the concurrently filed MEMORANDUM IN SUPPORT OF SOUTHWEST AIRLINES CO.'S MOTION TO DISMISS OR, IN THE ALTERNATIVE, TO TRANSFER. As set forth therein, Southwest also seeks dismissal of the Complaint and action pursuant to Rule 12(b)(1) for lack of subject matter jurisdiction. In the alternative, Southwest moves for a transfer of the case to the U.S. District Court for the Northern District of Texas.

Dated: June 22, 2020

Respectfully submitted,

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(Admitted Pro Hac Vice)

Counsel for Defendant Southwest Airlines Co.

CERTIFICATE OF COMPLIANCE

I certify that on June 3, 2020, the parties met and conferred by telephone in a conversation between Jeff Ostrow and Melissa Weiner for Plaintiffs, and Todd Noteboom and Roy Goldberg for Defendant, regarding the Defendant's legal arguments for why the Defendant maintains that the Plaintiff's claim should be dismissed or transferred, as ultimately Defendant set forth in the MEMORANDUM IN SUPPORT OF SOUTHWEST AIRLINES CO.'S MOTION TO DISMISS OR, IN THE ALTERNATIVE, TO TRANSFER after Plaintiffs did not unilaterally withdraw or transfer their claim.

Date: June 22, 2020

/s/ M. Roy Goldberg

M. Roy Goldberg

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(Admitted Pro Hac Vice)

Counsel for Defendant Southwest Airlines Co.

CERTIFICATE OF SERVICE

I, James T. Moughan, hereby certify that a true and correct copy of the foregoing was filed electronically and was made available for viewing and downloading via the Court's CM/ECF system, and all counsel of record was served via the court's CM/ECF system notification. A courtesy copy of the foregoing was emailed to Chambers_of_Judge_John_Gallagher@paed.uscourts.gov.

Date: June 22, 2020

/s/ **James T. Moughan**
James T. Moughan (PA I.D. 33045)